



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 200042

DATE: May 30, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CAC-0120

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) SES, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|----------------|------------|
| (b) (6), (b) (7)(C) | Washington, DC | N.A. |

VIOLATIONS:

Title 18 U.S. Code § 1001

Statements or entries generally

EPA Order 3120.1, Appendix, Table of Penalties 7

Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful

EPA Order 3120.1, Appendix, Table of Penalties 16

Deliberate misrepresentation, falsification, concealment or withholding of a material fact

ALLEGATION:

On June 2, 2017, Special Agent (SA) (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Washington Field Office, was given electronic documents pertaining to the security clearance of (b) (6), (b) (7)(C)

notified the OIG because multiple omissions on (b) (6), (b) (7)(C) background investigation may have violated 18 U.S. Code § 1001.

FINDINGS:

Subject interviews, email file reviews, and document reviews were conducted. Sufficient evidence was developed to support the allegation that (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

(b) (6), (b) (7)(C) was interviewed by OI and claimed (b) (6), (b) (7)(C) attempted to provide an explanation in the additional comments portion of the SF-86 concerning the disciplinary action, but (b) (6), (b) (7)(C) additional

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comments did not appear on [REDACTED] submitted SF-86. [REDACTED] advised [REDACTED] attempted to upload [REDACTED] supporting notes as a file attachment. [REDACTED] did not keep a copy of [REDACTED] completed form. [REDACTED] claimed to have taken “contemporaneous notes” while completed the form but a forensic analysis indicated the “contemporaneous notes” were prepared 11 days after the electronic submission of [REDACTED] SF-86.

[REDACTED] admitted to receiving an additional 30-day suspension for conduct unbecoming a federal employee in January 2010. [REDACTED] stated [REDACTED] did not agree with the discipline. [REDACTED] stated [REDACTED] was not attempting to conceal it but, rather, [REDACTED] wanted to explain it in the additional comments that failed to upload with the submitted SF-86.

DISPOSITION: Supported; Closed

On September 7, 2017, the case was presented to presented to an Assistant United States Attorney for the District of Columbia. The case was declined for prosecution on September 8, 2017. On May 31, 2018, the Report of Investigation (ROI) was delivered to [REDACTED] management for appropriate action. On [REDACTED] retired after receiving a written notice of the agency’s decision to separate [REDACTED] for failure to maintain a security clearance required by [REDACTED] position. The Agency’s final decision was not based solely on the ROI.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004
REFERRAL REPORT OF INVESTIGATION

MAY 24 2018

(b) (6), (b) (7)(C)

OI-HQ-2017-CAC-0120

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Distribution:

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004
With Attachments

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**Informational Purposes Only –
No Attachments**

Wendy Blake
Associate General Counsel
Office of General Counsel
With Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

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OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2017-CAC-0120 **DATE OPENED:** 06/21/2017
CASE TITLE: (b) (6), (b) (7)(C) **CASE AGENT(s):** (b) (6), (b) (7)(C)
CASE CATEGORY: Employee Integrity **OFFICE:** Washington Field Office
JOINT AGENCIES: None **JURISDICTION:** District of Columbia

SECTION A - NARRATIVE

Introduction

On June 2, 2017, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), met with representatives of the EPA's Personnel Security Branch (PSB). PSB notified the OIG of its concern regarding multiple omissions related to the background investigation for (b) (6), (b) (7)(C) that may represent violations of 18 U.S.C. § 1001.

After resigning from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was hired by the EPA on (b) (6), (b) (7)(C) 2011, as a (b) (6), (b) (7)(C) in the (b) (6), (b) (7)(C). That position did not require a security clearance. However, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for the EPA's Office (b) (6), (b) (7)(C) clearance. As part of this process, (b) (6), (b) (7)(C) had to complete and submit Office of Personnel Management (OPM) Standard Form 86 (SF-86), *Questionnaire for National Security Positions*.

Possible Violation(s)

1. 18 U.S.C. § 1001 – False statements.
2. EPA Order 3120.1, Appendix, Table of Penalties 7 – Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.
3. EPA Order 3120.1, Appendix, Table of Penalties 16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact.

Synopsis

This investigation developed sufficient evidence to support the allegation (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

On September 8, 2017, this investigation was declined for criminal prosecution by the United States Attorney's Office, District of Columbia, for possible violations of 18 U.S.C. § 1001, False Statements.

Details

Investigation Disclosed Allegation Supported

Allegation: (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

Allegation Findings: This investigation revealed evidence supporting the conclusion that (b) (6), (b) (7)(C) omitted several incidents involving disciplinary actions (b) (6), (b) (7)(C) received in (b) (6), (b) (7)(C) previous employment from (b) (6), (b) (7)(C) background investigation.

Allegation Investigative Results:

Prior Disciplinary Actions

Section 13 of (b) (6), (b) (7)(C) SF-86 covered previous federal employment. For all questions pertaining to previous employment on the SF-86, respondents are asked:

For this employment, in the last seven (7) years have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as a violation of security policy?

For (b) (6), (b) (7)(C) fourth and fifth previous positions listed, (b) (6), (b) (7)(C) answered "No." However, OI obtained information from an SF-50, *Notification of Personnel Action*, that disclosed that (b) (6), (b) (7)(C) had received a 20-day suspension in April 2009.

During the July 20, 2017, interview, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) attempted to provide an explanation in the additional comments portion of the SF-86 concerning the disciplinary action, but (b) (6), (b) (7)(C) additional comments did not appear on (b) (6), (b) (7)(C) submitted SF-86. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) had attempted to upload (b) (6), (b) (7)(C) supporting notes describing the disciplinary situation (as a file attachment to (b) (6), (b) (7)(C) SF-86). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not review or keep a PDF copy of (b) (6), (b) (7)(C) completed SF-86 once it had been uploaded. However, (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was typing (b) (6), (b) (7)(C) responses on a Microsoft Word document and kept "contemporaneous notes" on the Word document about the SF-86. (b) (6), (b) (7)(C) provided the Reporting Agent with a photo of the Word document file properties of (b) (6), (b) (7)(C) contemporaneous notes [Exhibit 1].

The file properties show a Microsoft Office Word document titled "Equip Response 2015," created on December 12, 2015.

The Reporting Agent asked (b) (6), (b) (7)(C) to confirm that the Microsoft Word file titled "Equip Response 2015" was done contemporaneously while completing SF-86, and (b) (6), (b) (7)(C) replied "Yes." The Reporting Agent showed (b) (6), (b) (7)(C) the electronic signature form from SF-86 with the time date stamp and hash values [Exhibit 1]. The Reporting Agent then showed (b) (6), (b) (7)(C) the file properties provided earlier from the "Equip Response 2015" document. The Reporting Agent asked (b) (6), (b) (7)(C) to describe why the date (b) (6), (b) (7)(C) submitted SF-86 was December 1, 2015, but the file properties of the document "Equip Response 2015" showed it was created December 12, 2015. (b) (6), (b) (7)(C) could not explain why (b) (6), (b) (7)(C) typed notes were created 11 days after he electronically submitted SF-86.

In an attempt to corroborate (b) (6), (b) (7)(C) assertion that (b) (6), (b) (7)(C) had created a contemporaneous document, OI asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) would provide (b) (6), (b) (7)(C) personal computer so that the Word document (b) (6), (b) (7)(C) typed could be used to support (b) (6), (b) (7)(C) claim. (b) (6), (b) (7)(C) initially agreed and coordinated with (b) (6), (b) (7)(C) attorney for OI to examine the computer. On August 16, 2017, (b) (6), (b) (7)(C) agreed to meet with OI at the office of (b) (6), (b) (7)(C) attorney. During the meeting, (b) (6), (b) (7)(C) did not consent to having (b) (6), (b) (7)(C) laptop, USB drive, or a copy of the Microsoft Word file containing (b) (6), (b) (7)(C) "contemporaneous notes" forensically imaged [Exhibit 2].

(b) (6), (b) (7)(C) was interviewed again on November 29, 2017, and during this interview (b) (6), (b) (7)(C) acknowledged receiving an additional 30-day suspension for conduct unbecoming a federal employee in January 2010. OI became aware of this additional suspension from documents and SF-50s provided by the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not agree with the discipline (b) (6), (b) (7)(C) further stated (b) (6), (b) (7)(C) was not attempting to conceal it but, rather, (b) (6), (b) (7)(C) wanted to explain it in the additional comments that failed to upload with the submitted SF-86.

(b) (6), (b) (7)(C) stated during both interviews that (b) (6), (b) (7)(C) submitted SF-86 while at home. However, OI had confirmed from the submitted copy of (b) (6), (b) (7)(C) SF-86 and the National Background Investigations Bureau that the electronic SF-86 was submitted on December 1, 2015, at 12:47 PM [Exhibit 3]. It was explained to (b) (6), (b) (7)(C) during the interview on November 29, 2017, that (b) (6), (b) (7)(C) time and attendance records showed (b) (6), (b) (7)(C) reporting an 8-hour workday (non-telework) on that date [Exhibit 3]. (b) (6), (b) (7)(C) insisted that (b) (6), (b) (7)(C) submitted the SF-86 at home and not in (b) (6), (b) (7)(C) office and was unable to reconcile the conflict.

After the interview, (b) (6), (b) (7)(C) turned over (b) (6), (b) (7)(C) government-issued laptop to OI for forensic examination [Exhibit 4]. The forensic examination was unable to recover any files related to (b) (6), (b) (7)(C) SF-86 or contemporaneous notes. However, the forensic examination revealed the presence of the program CCleaner on (b) (6), (b) (7)(C) computer, which is used to securely delete files and registry information.

Interview with Office of Personnel Management Background Investigator

As part of the process to complete (b) (6), (b) (7)(C) background investigation, (b) (6), (b) (7)(C) was interviewed by an OPM background investigator. During the interview, (b) (6), (b) (7)(C) described a security-related incident that occurred while (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) email

account was “hacked” and had been receiving threatening and explicit emails. (b) (6), (b) (7)(C) attempted to “find the culprits” who were doing this using (b) (6), (b) (7)(C) government-issued computer. However, an investigation by the (b) (6), (b) (7)(C) OIG [Exhibit 3] and a computer forensics report concluded that (b) (6), (b) (7)(C) had posted a Craigslist ad soliciting sex and also seeking a sexual encounter with a couple. During the interview with OI in November 2017, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not intend to conceal anything from the OPM investigator. (b) (6), (b) (7)(C) resigned from (b) (6), (b) (7)(C) position on (b) (6), (b) (7)(C) 2011, after receiving a proposal to indefinitely suspend (b) (6), (b) (7)(C) from pay and position on (b) (6), (b) (7)(C) 2011 [Exhibit 3]. (b) (6), (b) (7)(C) was subsequently hired by the EPA on (b) (6), (b) (7)(C) 2011.

Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C) EPA; and (b) (6), (b) (7)(C) EPA, for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA
Role: Subject
Business Address: 1200 Pennsylvania Avenue, NW, Washington, D.C. 20004
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On September 8, 2017, this matter was declined for criminal prosecution by the United States Attorney’s Office, District of Columbia. The matter was presented for the violation of 18 U.S.C. § 1001, False Statements.

EXHIBITS

1. MOI- (b) (6), (b) (7)(C) July 20, 2017
2. MOA-Attorney Meeting, August 16, 2017
3. MOI- (b) (6), (b) (7)(C) November 29, 2017
4. MOA-OI Forensic Report



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: May 15, 2019

PREPARED BY: Special Agent (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-ADM-0100

CROSS REFERENCE #: Hotline 2018-0098

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|------------------|---------------------------|
| (b) (6), (b) (7)(C) | Washington, D.C. | Arrested: October 8, 2017 |

POTENTIAL VIOLATIONS:

18 USC § 1001 – False Statements

21 USC § 841 – Controlled Substances Act

ALLEGATION:

This investigation was initiated based upon a referral by EPA's Personnel Security Branch (PSB), Security Management Division, that (b) (6), (b) (7)(C) EPA, was arrested by the (b) (6), (b) (7)(C) Sheriff's Office, (b) (6), (b) (7)(C) Indiana, for one count of possession of synthetic marijuana. PSB was concerned as to whether (b) (6), (b) (7)(C) had the expertise to manufacture synthetic marijuana.

FINDINGS:

On February 4, 2019, OI retrieved a (b) (6), (b) (7)(C) State of Indiana Case Summary (CS). According to the CS, (b) (6), (b) (7)(C) received a 1-year deferral on October 13, 2017. An Order Granting a Motion to Dismiss the "Possession of Synthetic Drug or Synthetic Drug look alike substance" charge was signed on October 12, 2018.

On March 28, 2019, the (b) (6), (b) (7)(C) Police Department, (b) (6), (b) (7)(C) informed OI the only police response to (b) (6), (b) (7)(C) current residence was in connection with an "Abandoned Vehicle Complaint".

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On April 3, 2019, (b) (6), (b) (7)(C) was interviewed by OI. During the interview, (b) (6), (b) (7)(C) questioned the (b) (6), (b) (7)(C) Police Department's (b) (6), (b) (7)(C) field testing method for synthetic marijuana that was outlined in the arrest report. (b) (6), (b) (7)(C) denied the marijuana was synthetic. After agents re-read the arrest report, (b) (6), (b) (7)(C) advised the substance was marijuana (b) (6) obtained from a friend. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) is unable to create synthetic marijuana and has never experimented with any illegal substance.

On April 22, 2019, (b) (6), (b) (7)(C) People Plus time and attendance records were reviewed. (b) (6), (b) (7)(C) arrest occurred on a Sunday, October 8, 2017. Monday, October 9, 2017 was a holiday and (b) (6), (b) (7)(C) was on annual leave on Tuesday, October 10, 2017.

DISPOSITION:

The matter was declined by the U.S. Attorney's Office, District of Columbia, Fraud and Public Corruption Section. Based on the facts identified during the investigation, there is no supporting evidence that (b) (6), (b) (7)(C) manufactured or can manufacture synthetic marijuana or made a false statement in (b) (6), (b) (7)(C) EPA security questionnaire. The allegation is not supported. There are no further investigative steps to be taken. This case is being closed at this time.

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